

UNITED STATES OF AMERICA
Before The
POSTAL RATE COMMISSION
WASHINGTON, D.C. 20268-0001

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POSTAL RATE COMMISSION
OFFICE OF THE SECRETARY

Complaint on Post E.C.S.

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Docket No. C99-1

OFFICE OF THE CONSUMER ADVOCATE
RESPONSE IN SUPPORT OF MOTION OF UNITED
PARCEL SERVICE FOR EXTENSION OF TIME TO
FILE CASE-IN-CHIEF
(July 21, 1999)

The Office of the Consumer Advocate (OCA) hereby files its response in support of the motion of United Parcel Service (UPS) for and extension of time to file its case-in-chief.¹ The chief reason for such an extension is that UPS has received almost none of the information it legitimately sought via discovery requests.² At the present time, UPS has submitted 49 interrogatories to the Postal Service. Almost all have drawn objections from the Postal Service.³

¹ "Motion of United Parcel Service for Extension of Time to File Case-in-Chief and for Expedited Response Hereto," filed July 15, 1999.

² At the time UPS filed the motion cited above, it had "received not one shred of information from the Postal Service." *Id.* at 2. However, a small subset of outstanding UPS discovery requests was answered by the Postal Service on July 20, 1999. "United States Postal Service Response to United Parcel Service Interrogatories UPS/USPS-1(A), 3(A), 5(A) (IN PART), 9, 18, 19, 20 (B), 35."

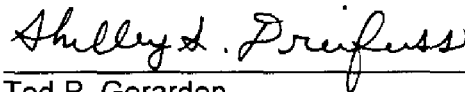
³ "Objection of the United States Postal Service to United Parcel Service Interrogatories UPS/USPS-1-24," filed May 25, 1999; "Objection of the United States Postal Service to United Parcel Service Interrogatories UPS/USPS-25-33," filed June 18, 1999; "Objection of the United States Postal Service to United Parcel Service Interrogatories UPS/USPS34-43," filed July 6, 1999; and "Objection of the United States Postal Service to United Parcel Service Interrogatories UPS/USPS-44-45," filed July 12, 1999.

Furthermore, although UPS did not allege this issue as a ground for its motion for an extension, there is uncertainty about the scope of the first phase of the proceeding. On the same day that UPS filed its motion for an extension of time, it also filed a motion seeking a declaration by the Presiding Officer that phase one of Docket No. C99-1 encompasses all jurisdictional issues, including whether Post E.C.S. is domestic or international in character.

In light of the breadth of discovery disputes and the uncertainty about the scope of the first phase of the proceeding, UPS has justified its request to defer the filing of its case-in-chief. UPS' proposal to schedule a prehearing conference to resolve these matters is a sensible next step.

Respectfully submitted,

OFFICE OF THE CONSUMER ADVOCATE

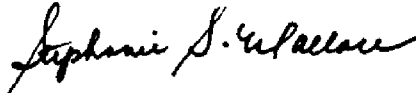
A handwritten signature in cursive script, reading "Shelley S. Dreifuss". The signature is written in dark ink and is positioned above a horizontal line.

Ted P. Gerarden
Director

Shelley S. Dreifuss
Attorney

CERTIFICATE OF SERVICE

I hereby certify that, on behalf of the Office of the Consumer Advocate, I have this date served the foregoing document upon all participants of record in this proceeding in accordance with section 12 of the rules of practice.


Stephanie S. Wallace

Washington, D.C. 20268-0001
July 21, 1999